

INSTRUCTIONS FOR MEDIATION FORM***{Do not file this sheet with PERC}***

- A. RULES** The Public Employment Relations Commission (PERC) provides mediation services under Chapters 391-55 and 391-08 WAC. Those rules are available from PERC at (360) 570-7300 or on the web at www.perc.wa.gov.
- B. WHO CAN FILE** Only the employer and/or the exclusive bargaining representative can request mediation for their contract negotiations. Individual employees do not have legal standing to file or process these cases.
- C. FORM** Fill in all blanks on the form for which you have information (you are not required to know what representative another party will use).

PARTIES

- The "Employer" must be a party to the collective bargaining negotiations to be mediated.
- The "Employee Organization" must be the other party to the collective bargaining negotiations to be mediated.

BARGAINING UNIT

- Employer business examples are: City, County, State Agency, School District, Community College, University, Port District.
- Department examples are: Police, Fire, Public Works, Corrections, Transportation, Multi-department, Employer-wide.
- Insert the number of employees in the bargaining unit.
- Describe the bargaining unit by listing the types of employees included and excluded, OR insert the number of the contract page where the recognition clause is found, OR insert the case number or decision number from the latest PERC certification or unit clarification.
 - ▶ Submit a separate mediation request for each bargaining unit that will separately ratify and sign a collective bargaining agreement.
 - ▶ Submit a separate mediation request for each bargaining unit eligible for factfinding or interest arbitration under a statute, even if the negotiations for that unit may be consolidated with negotiations for other units up to the point where an impasse is reached.
- ATTACH a copy of the parties' current or latest collective bargaining agreement, if any (unbound documents are preferred).
- Indicate the approximate year the parties' bargaining relationship commenced. For current negotiations, enter the approximate month and year of the first meeting and total number of meetings. Answer whether both parties concur in requesting mediation.

ISSUES IN DISPUTE Describe the disputed issues. If more space is needed, ATTACH ADDITIONAL SHEETS containing the information.

D. COMMUNICATIONS

FILING WITH PERC See WAC 391-08-120(1) and (2). Mediation requests and other papers concerning the processing of a case are "filed" only when actually received by PERC by ONE of these methods:

- Take or send the papers to PERC's Olympia office (street and mailing addresses at top of form).
- File by fax to (360) 570-7334 PLUS mail the original papers to PERC's Olympia office on the same day.
- File by e-mail attachment to filing@perc.wa.gov PLUS mail the original papers to PERC's Olympia office on the same day.

COPIES TO OTHER PARTIES See WAC 391-08-120(3) through (5). A party that files a mediation request or other paper concerning the processing of a case with PERC must give or send a copy to each of the other parties to the case. Service on other parties shall be completed no later than the day the document is filed with PERC.

- Service may be made personally, and is completed when delivered in the manner provided in RCW 4.28.080.
- Service may be made by first class, registered, or certified mail, and is completed upon deposit in the United States mail (properly addressed with postage prepaid).
- Service may be made by commercial parcel delivery company, and is completed upon delivery to the parcel delivery company (properly addressed with charges prepaid).
- Service may be made by fax, and is completed when the sender's fax machine produces a confirmation of transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).
- Service may be made by e-mail attachment, and is completed upon transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).

On the same day that service is completed, the person who completed the service must either: (1) obtain an acknowledgment of service from the person who accepted personal service; or (2) make a certificate of service stating the date of service and the method of service.

CONFIDENTIALITY IN MEDIATION Once a mediator is assigned, parties may exchange proposals and related materials with the mediator privately. In order to protect the confidential nature of the mediation process, PERC rules prohibit disclosure to any person of papers kept by any member of the Commission or its staff as a record of communications made or received while acting in the capacity of mediator between the parties to a labor dispute. See WAC 391-08-810. Additionally, no subpoena shall be issued or given effect to require the attendance and testimony of, or the production of evidence by, any member of the Commission or any member of the PERC staff. See WAC 391-08-310.

- E. NORMAL CASE PROCESSING** A mediator may meet with the parties jointly or separately, and take other appropriate steps to persuade the parties to resolve their differences and reach an agreement. A mediator works without power of compulsion. The steps that usually occur in the mediation of contract negotiations are described in materials available under the "SERVICES" tab on the PERC website: www.perc.wa.gov.